

National Advisory Council for Environmental Policy and Technology

Assumable Waters [Clean Water Act 404(g)(1)] Subcommittee

April 17, 2017

Meeting Summary

U.S. Environmental Protection Agency

The following items are included in this meeting summary:

- I. Background and Summary of Decisions, Approvals, and Action Items
- II. Key Discussions
- III. Public Comments
- IV. Wrap Up / Closing
- V. Meeting Participants
 - a. Participating Subcommittee Members
 - b. Government and Members of the Public in Attendance
 - c. Facilitation Team
 - d. EPA OWOW Support Team
- VI. Appendix A – April 17, 2017 Agenda
- I. Background and Summary of Decisions, Approvals, and Action Items

Background

This was the seventh meeting (via webinar in this case) of the Assumable Waters Clean Water Act 404(g)(1) Subcommittee. The Subcommittee was convened under the National Advisory Council for Environmental Policy and Technology (NACEPT) to provide advice and recommendations on how the EPA can best clarify which waters a state or tribe assumes permitting responsibility for under an approved Clean Water Act (CWA) Section 404 program. All presentations and meeting materials can be found here: [[HYPERLINK "https://www.epa.gov/cwa-404/assumable-waters-sub-committee"](https://www.epa.gov/cwa-404/assumable-waters-sub-committee)].

The meeting, which was held virtually, included discussion of comments on and edits to the Subcommittee's draft Final Report. This summary does not follow a chronological order of events. Instead, it attempts to summarize discussions related to key topics covered throughout the virtual meeting.

Summary of Decisions, Approvals, and Action Items

The Subcommittee made the following decisions:

- The Subcommittee agreed to forward the final report to NACEPT, subject to minor edits.
- The Subcommittee agreed to approve this meeting summary and the January 2017 meeting summary by email.

The Subcommittee agreed to the below action items and timeline for completion.

Mr. Field and Ms. Hale

- Address multiple edits to various sections of the draft final report, as detailed in the summary below.

Mr. Field

- Provide NACEPT presentation PowerPoint slides to Subcommittee for approval, prior to the May 10, 2017 NACEPT meeting.

Mr. Strickler

- Distribute call-in information for May 10 NACEPT meeting to all Subcommittee members and others who have expressed interest.

Ms. Lockwood

- Check to ensure the language in Section 2(c) of the draft report is consistent with the New Jersey MOU.
- Email language from the New Jersey MOA on “ordinary high water mark or mean high tide.”

Ms. Hale, Ms. Bostwick, and Mr. James

- Discuss the appropriate time when the Corps should provide its list, and add the needed clarity on this issue in the relevant sections of the draft.

Mr. Setzer

- Rewrite passage of Section 6(c) accounting for Subcommittee comments.

Mr. James

- Review recommendations in Section 8 of the draft report and inform Mr. Field if there are any that the Corps cannot support.

All Subcommittee members

- Provide any comments on and requested approvals for the NACEPT presentation PowerPoint slides, and the January and April 2017 draft meeting summaries distributed by CBI.
- Send any additional minor edits to the report to Mr. Field in writing.

II. Key Discussions

A. Check-in, Roll Call, Call to Order, and Initial Business

The meeting facilitator, Mr. Patrick Field of the Consensus Building Institute, reviewed key logistical elements of the online meeting. Mr. Jacob Strickler, acting EPA Designated Federal Official (DFO), then called the meeting to order and welcomed the members. Mr. Field led a roll call of Subcommittee members joining by phone and videoconference, and Mr. Strickler invited non-members joining the call to provide their names and organizations. A list of participants is included at the end of this summary.

Mr. Field set the context for the meeting, noting that the group would be reviewing and commenting on a near-final version of the Subcommittee’s report. He announced that public comment would take place from 4:00–4:30pm Eastern time, and reviewed the meeting agenda,

which is included in Appendix A. He noted that the meeting would include some introductory remarks by the Subcommittee Chair, Dr. Barry Rabe, a walk-through of various sections of the report with comments from Subcommittee members, a discussion of the logistics for finalizing the report, and a discussion of action items leading up to the May 10, 2017 presentation of the report to NACEPT in Raleigh Durham.

Barry Rabe, Ph.D. (Chair), University of Michigan, welcomed members and noted that this was likely the last time the group would meet. He suggested that the primary purpose of the meeting was to ensure that anyone who has any comments or concerns regarding the text of the draft report has an opportunity to provide their input, and to review and resolve existing comments on the document. He hoped the group would be able to obtain closure on all the main issues by the end of the meeting, and turn its attention to final steps including reporting out on the contents of the report, addressing graphics, and preparing for the presentation to NACEPT in May.

B. Review of Draft Report

Mr. Field briefly reviewed the process the group had used for drafting and editing the report, and highlighted the substantial work put in by Subcommittee member Michelle Hale of the Alaska Department of Environmental Conservation.

Ms. Hale then commented on the large amount of work put in by multiple Subcommittee members. She noted that she had tried to address all the comments provided by the group, while also trying to maintain a consistent "voice" throughout the document. While in the end, the "voice" in the document is not entirely consistent, Ms. Hale suggested this is to be expected given the variety of perspectives within the Subcommittee.

Mr. Field shared the draft document through the videoconference "share screen" function. He noted that the draft included copy edits and deletions from members in redline, but more substantial comments or edits that may require discussion were left as comments in the sidebar. He reported that his plan was to walk the group through these comments one by one, as efficiently as possible, in an effort to resolve all outstanding issues.

The group then proceeded to address the following comments and issues from the draft.

Section 2(a): This comment came from the U.S. Army Corps of Engineers (USACE or "the Corps"). The Corps suggested that the group should consider removing the word "navigable" from the relevant passage. Mr. James, USACE, reported that the comment arose from a concern that this word might confuse readers, due to the existence of similar language from the Clean Water Act referring to "navigable waters of the U.S." Mr. James noted that he did not want to introduce even more confusion by removing the word, and suggested that he would defer to the attorneys in the group. A Subcommittee member suggested that the existing language does not create any legal issues and should be retained, and the group agreed.

Section 2(b): The EPA commented that the language suggesting the federal government has an obligation to consult with federally recognized tribes is likely inconsistent with EPA's approach. In many cases, a state may be assuming and there are no tribes within that state that would be affected by state assumption. The group agreed to add language limiting the consultation obligation to "federally recognized tribes that may be affected" by assumption.

Section 2(c): Michael J. Szerlog, EPA, commented that the language here should carefully distinguish among concepts like high tide, mean high water mark, and others, and make sure they are consistent with the language in New Jersey's Memorandum of Understanding (MOU). Susan D. Lockwood, New Jersey Department of Environmental Protection, promised to check to ensure the language is consistent with the MOU.

Section 2(h): This comment included a suggestion to include language providing more clarity on EPA's role within the Subcommittee. Members noted that the EPA provided technical advice as issues arose, but did not take a position with respect to specific recommendations made by the Subcommittee. The Subcommittee agreed to revised language taking these issues into account.

Section 4(b), page 16: The comment suggested that it would be helpful to provide more clarity on exactly when the Corps would provide states its list of waters that could be assumed. Members suggested that it is important to identify whether this would occur at the time of an MOU or when a state is just starting to investigate assumption, and noted that this lack of clarity is a recurrent issue that occurs four of five times through the draft.

Mr. James noted that the Corps would work with states to provide their best list of what is assumable when the state first approaches the Corps and asks what it could assume. The Corps could then update the list before the assumption process is finalized and approved by EPA. A Subcommittee member suggested including language specifying that the Corps would provide its list "when a state or tribe first investigates or proposes assumption." Ms. Hale, Ms. Bostwick, and Mr. James agreed to discuss this issue further and add the needed clarity in the relevant sections of the draft.

Section 4(b), page 17: An EPA comment sought clarity on whether the language "future alteration of the condition of the water body" intended to refer to changes in the physical condition of the water body or change in its status. The group agreed to specify that the language refers to changes in the physical condition of the water body, since the report addresses legalities in another section.

Section 5(a), page 21: An EPA edit included suggested language for a shorter paragraph to close this section, in place of two longer paragraphs. Subcommittee members expressed appreciation for the added clarity of the new EPA paragraph, and agreed that it could replace the first of the two existing paragraphs, but suggested that the second paragraph still has value and should remain. A Subcommittee member offered an additional edit to language in the second paragraph, adding the words "identified as" to one of the sentences so it would read, "additional waters might still be identified as TNW waters..."

Section 5(a), page 23: An EPA comment addressed an example in the text suggesting that a shift from Section 10 waters only to traditional navigable waters may result in triple the number of retained waters. EPA suggested that the change in total stream miles available may be much less significant. Subcommittee members noted that the relevant language was just intended to be exemplary and suggested that readers would understand that the context will be different for each state. Mr. Field added some language for clarity and the group agreed to leave the rest of the passage intact.

Another set of comments in this section — from the Corps and EPA — questioned the use of the word “patchwork.” They noted a concern that the word “patchwork” implies that there is something problematic about this setup that is different than the current situation where in fact, wetlands are often a patchwork across the landscape, and suggested it should be removed. Other Subcommittee members offered a different perspective, suggesting that in certain states adding a stream or a lake here and there would make it more difficult to figure out who has authority, and this would in fact occur under the option in question. They noted that the purpose of the Subcommittee is to come up with a clear, predictable, implementable line to allocate authority between the Corps and the state, and it therefore is important if an option creates more of a “patchwork.”

Mr. Field and Ms. Hale agreed to try to come up with some more effective language accounting for these comments.

Section 6, page 25: A comment from the Corps suggested a revision to how the report refers to wetlands alternatives. The Corps suggested language stating, “The Corps retains all wetlands adjacent to all navigable waters.” The current language uses the words “touching” and “non-touching.”

Subcommittee members stated that the existing language was chosen to avoid confusion with the definition of “adjacent,” even if this language adds additional terms. While the text clearly indicates that the report is referring to jurisdictional wetlands, the Subcommittee wanted to be as accurate as possible in titling the relevant alternatives.

A Subcommittee member suggested including language stating that the Subcommittee considered the floor colloquy on the language “immediately contiguous,” from the legislative history, as well as the definition of “adjacent” in the jurisdictional regulations. The first alternative includes everything within the jurisdictional definition of “adjacent,” the second alternative includes everything “touching” the wetlands, and the third alternative includes everything within the definition of “adjacent” plus a boundary.

Mr. Field noted that the drafting group would try to do this, and in response to comments also change the language “regardless of extent” to “regardless of their furthest reach.”

Section 6(c), page 27: The Subcommittee addressed a comment on the “high water mark” line used in Alternative C. Mr. Field noted that the appropriate approach may depend on whether the line is being chosen purely for administrative purposes, or whether there is a water quality rationale for it.

A Subcommittee member suggested that the overall reason for the Corps retaining waters or adjacent wetlands is to protect from activities hindering navigation. He suggested the line should be simply for administrative purposes, so it is easier for the public to know where it is. Others agreed that it may be confusing to refer to water quality issues.

A different Subcommittee member suggested that the language should continue to refer to the fact that a state may have a line already drawn for some purpose, which would be readily usable to help people understand who has jurisdiction. Using this line may make the conversation easier. Another added that while the purposes for drawing the line may be administrative, protecting water quality may be an “ancillary benefit.” He suggested the water quality language should be left in, and the text should simply clarify that this is not the reason for drawing the line at that location.

Mr. Setzer agreed to rewrite the passage accounting for these comments.

Mr. Field noted that there had also been a question on the appropriate language to use for “high water mark.” The existing text used the term “mean high water mark” from Section 404(g). Ms. Lockwood noted that the New Jersey MOA using the phrase “ordinary high water mark or mean high tide.” She agreed to email this language to Mr. Field for inclusion in the report, where it refers to New Jersey.

The group discussed the report’s use of the terms “ordinary high water mark” and “mean high tide,” and how they intended to define these terms. They noted that both terms appear in Section 404(g). The ordinary high water mark is associated with freshwater streams and is a line on the shore established by the fluctuation of water. Mean high water mark, on the other hand, is based on the routine and customary fluctuation of (saltwater) tidal waters.

While the group did not think it would be helpful to include a glossary in the report, since it is not defining legal terms and including a glossary would make the report significantly more complex, they agreed that it might be helpful to include a sentence or two quoting the language from Section 404(g)(1) and noting that the terms may need to be further clarified in guidance or regulations.

Section 26(c)(3), page 28: A comment from Ms. Hurlb suggested that the language in this section appeared to collapse two previous alternatives into one. Ms. Hurlb asked whether this was intentional.

Subcommittee members clarified that, under the relevant alternative, if a long wetland parallels a retained water, it would stay with the Corps. Mr. James further noted that the Subcommittee

should be careful not to imply that the use of an administrative line can determine the extent of a wetland. Regardless of the use of an administrative line, the upper and lower boundaries of the wetland would still need to be determined in the field.

Subcommittee members discussed and clarified the differences between alternatives C1 and C2. Then, upon further review of the relevant language, Ms. Hurd suggested that her comment should be withdrawn and the group agreed to move forward.

Bottom of page 29: In response to a comment, the group agreed to use the term “discharge” in several places.

Middle of page 31: The group addressed a comment noting potential differences between the New Jersey model and alternative C3. A Subcommittee member noted that there have been cases in New Jersey where the Corps has made a finding that an obstruction downstream means that the navigable water ended, a given wetland is therefore not adjacent, and the Corps need not retain jurisdiction. In addition, for wetlands that come off of a tidally influenced area, the Corps took jurisdiction over any wetland within an elevation of 10 feet or less. This elevation was estimated to correspond to a distance of approximately 1000 feet inland from the tidal area. In a few cases, the Corps decided there was an impediment and truncated its jurisdiction.

In light of these comments, Mr. Field agreed to make a note of this issue but not change any wording in the text itself.

Section 8, page 36: Mr. Field inquired as to whether the Corps supported the additional recommendations in Section 8 related to implementation and process. Mr. James agreed to take a close look at these recommendations and inform Mr. Field if there were any the Corps could not support.

Page 37: A comment from Jan Goldman-Carter, National Wildlife Federation, expressed concern around language discussing Congress’s expectation or intention that “many states would assume.” Members noted that the intention was not to argue for assumption but to clarify why the Subcommittee was trying to address the scope of assumable waters. Members suggested that the text might just state that Congress expected the states to “play a significant role” in the administration of Section 404, or that Congress anticipated many states would “explore” assumption.

Mr. Field and Ms. Hale agreed to work on this language.

Subcommittee members suggested a number of additional passages to discuss that were not included in Mr. Field’s initial list of comments. These included the following.

Top of page 23: A Subcommittee member suggested the language here should indicate more than just “understanding.” Mr. Field agreed that he and Ms. Hale would clean up the language.

Bottom of page 6 and top of page 7: The phrase “in such cases” should be reinserted to avoid a change in meeting. Mr. Field agreed to make this change.

Top of page 9: A Subcommittee member suggested that the language on Indian country should not imply that every water needs to be identified in an MOA, since there may be opportunities for tribes, states and EPA to negotiate cooperative agreements. Instead, the text should be a generic statement that waters in Indian country would be retained by the Corps.

The group agreed that using the words “specifically addressed” in place of “described,” and striking some of the language would be acceptable, and Mr. Field agreed to make this change.

Page 1: A Subcommittee member suggested and the group agreed that under 2A, the reference to “underlying assumptions” should state “CWA requirements” and “CWA jurisdiction.”

Ms. Albrecht and Ms. Fish stated that they would send additional minor edits to Mr. Field in writing. Mr. Field requested that other Subcommittee members feel free to do the same if they identify any issues not yet mentioned.

Mr. Field stated that Ms. Hale and he will clean up the document and distribute a clean version to the Subcommittee and to NACEPT before the May 10 meeting. Mr. Field then suggested that now was the time for any Subcommittee member who could not live with the report as written — with the final details to come — to raise his or her concerns.

He asked if any member objected to the report being forwarded to NACEPT in May, subject only to minor edits. No Subcommittee member raised any objection to either request.

C. Planning for the NACEPT Presentation

The Subcommittee addressed plans and logistics for the May 10 NACEPT presentation. Mr. Field and Mr. Strickler noted that the meeting would occur in the afternoon of May 10, and last an hour and half in total. It would likely take place at 1:00-2:30pm. Mr. Field suggested that the presentation itself could last roughly a half hour, followed by questions. Mr. Field would attend in person and co-present with Dr. Rabe. The Subcommittee will have a chance to review and comment on the presentation PowerPoint slides. There will likely be a call-in number, and Mr. Field suggested that it would be helpful to have Subcommittee members on the phone for the question and answer portion of the meeting. Lawyers like Ms. Albrecht and Ms. Goldman-Carter might be able to provide answers on any questions about state programs that might come up.

Mr. Strickler promised to send out call-in information to all members and others who have expressed interest. He also noted that Subcommittee member Laureen Monica Boles, National Advisory Council for Environmental Policy and Technology, would be attending the meeting as well. He suggested it would be helpful for the NACEPT meeting planners to know who will be attend, and for the Subcommittee to make sure it has the expertise in the room to answer

questions. Mr. Field noted that his status as a neutral party could be helpful in the meeting, but that other Subcommittee members had additional expertise that could be important as well. Mr. James stated that he intended to come to the meeting in person, and David L. Davis, Virginia Department of Environmental Quality, indicated that he might attend and would inform Mr. Strickler of his plans.

Ms. Albrecht suggested that the document graphics should be included in some way with the submission to NACEPT. Mr. Field agreed to include the graphics as an appendix and in their presentation slides. A Subcommittee member further suggested that graphics be included in the lower frames on the cover.

Mr. Field noted that following the NACEPT meeting, he would get back to the Subcommittee on any comments from NACEPT. Assuming NACEPT accepts the report, they will send the document to a graphics consultant for formatting. They decided to wait until after the NACEPT meeting to address the formatting so that they would not need to do it twice if NACEPT has comments that require some edits.

D. Review of Meeting January 2017 Summary

Mr. Field requested any additions or corrections to the January 2017 meeting summary. Mr. James and Mr. Szerlog noted, respectively, that the Corps and EPA had provided minor comments on the meeting summary in writing. Mr. Field suggested that he would circulate these edits shortly, and then give Subcommittee members a week to review and approve them before they would be deemed approved and posted by the Chair. Mr. Strickler noted that they would need a record of the emails indicating approval, and suggested that the group use a similar process for approval of this (April 2017) meeting summary.

III. Public Comment

There were two comments during the public comment period. First, Dee Allen from Mosaic commented that the subcommittee draft report was quite extensive. She asked about the availability of the final report for review and comment by the public, and about what will happen to the report from this point moving forward.

Mr. Strickler noted that the document is still the subject of deliberation, and is therefore not yet public. The document will be posted on the Assumable Waters Subcommittee website and available to the public once the Subcommittee finalizes it and transmits it to NACEPT, likely by May 10, 2017. There will be an opportunity for comments during the NACEPT meeting, and NACEPT accepts both verbal and written comments. After reviewing it and making changes or comments, NACEPT will submit the document to EPA.

Ms. Allen asked whether there would be a comment period or whether one would need to be ready to comment on the day of the NACEPT meeting. She suggested that there is not a lot of time to review and comment on the document.

Mr. Strickler noted that the report is not an EPA document. NACEPT will review the document and make recommendations to EPA. Members of the public can submit written comments to NACEPT, which can review and consider these comments if it wants to.

Another Subcommittee member clarified that, at this stage, EPA is simply soliciting input from a group of stakeholders. If and when EPA decides to take action on any NACEPT recommendations, those actions would be subject to the formal notice and public comment procedures and timeline.

Mr. Field further suggested that the Subcommittee hopes to have a final draft on its website before the NACEPT meeting to provide some time for review and comment. Mr. Strickler also clarified that members of the public can submit written comments to EPA at any time.

Next, Mr. David Evans, Virginia Department of Environmental Quality, commented that it is great to see this work coming close to the finish line.

IV. Wrap Up/Closing

Dr. Rabe offered some closing words. He highlighted the challenge of having so many people try to work together to write a report, and expressed gratitude to the Subcommittee members for how far they had come together. While the group may have preferred more unanimity, it did not work out that way. The level of depth and granularity in the report is very impressive. Now, it is time to finalize the report as soon as possible and deliver it to NACEPT. Dr. Rabe noted that he is hoping to participate in the NACEPT meeting and hopes others will do so as well to give NACEP a sense of the collective effort that went into the report.

John Goodin, U.S. EPA, added special thanks from EPA for the time and energy that Subcommittee members devoted to the project, as well as their thoughtful and knowledgeable contributions throughout the process. He expressed a special thanks to Dr. Rabe and the facilitation team.

Mr. Strickler thanked group members for their contribution to the federal government, helping it make better decisions. He then drew the meeting to a close.

V. Meeting Participants

A. Participating Subcommittee Members

Barry Rabe, Ph.D. (Chair), University of Michigan
Collis G. Adams, New Hampshire Department of Environmental Services
Virginia S. Albrecht, National Association of Home Builders
Trevor Baggione, Arizona Department of Environmental Quality
Laureen Monica Boles, National Advisory Council for Environmental Policy and Technology

Peg Bostwick, Association of State Wetland Managers
David L. Davis, Virginia Department of Environmental Quality
James P. DeNomie, Midwest Alliance of Sovereign Tribes
Kimberly Fish, Michigan Department of Environmental Quality
Richard D. Gitar, Fond du Lac Reservation
Thomas Driscoll, National Farmers Union
Michelle Hale, Alaska Department of Environmental Conservation
William L. James, U.S. Army Corps of Engineers
Les Lemm, Minnesota Board of Water and Soil Resources
Susan D. Lockwood, New Jersey Department of Environmental Protection
Eric D. Metz, Oregon Department of State Lands and Oregon Department of Environmental Quality
Gary T. Setzer, Maryland Department of the Environment
Michael J. Szerlog, U.S. Environmental Protection Agency, Region 10

Subcommittee members Craig Aubrey, U.S. Fish and Wildlife Service, and Jan Goldman-Carter, National Wildlife Federation, were unable to attend.

B. Government and Members of the Public in Attendance

Deirdre Allen, Mosaic
Julia Anastasio, Association of State Wetland Managers
Karen Bennett, Clark Hill
Laura Bevan, InsideEPA
Adam Blalock, Hopping Green & Sams, Tallahassee, Florida
Diane English, New York State Department of Environmental Conservation
David Evans, Virginia Department of Environmental Quality
Julian Gonzalez, Association of State Wetland Managers
Justin Green, Florida Department of Environmental Protection
Mary Thomas Heart, National Cattleman's Association
Lee Killingier, Mosaic
Owen McDonough, National Association of Home Builders
Scott Phillips, STRADA Professional Services
B. Preston
Timothy Rach, Florida Department of Environmental Protection
Alex Reed, Florida Department of Environmental Protection
Megan Seward, Florida Department of Environmental Protection

Commented [TB1]: I was not able to confirm this spelling online

Commented [TB2]: I was not able to confirm this spelling online

C. Facilitation Team

Patrick Field, Consensus Building Institute
Tobias Berkman, Consensus Building Institute
Jake B. Strickler (Acting Designated Federal Officer), U.S. Environmental Protection Agency

D. EPA OWOW Support Team

Dan Auerbach, Oak Ridge Institute for Science and Education (ORISE), U.S. Environmental Protection Agency
Ruth Shemerise, U.S. Environmental Protection Agency
Mindy Eisenberg, U.S. Environmental Protection Agency
John Goodin, U.S. Environmental Protection Agency
Kathy Hurlb, U.S. Environmental Protection Agency
Simma Kupchan, U.S. Environmental Protection Agency
Michael McDavit, U.S. Environmental Protection Agency
Abu Moulta-Ali, U.S. Environmental Protection Agency
Jeffrey Spier, U.S. Environmental Protection Agency

VI. Appendix A – April 17, 2017 AGENDA

Date: April 17, 2017

Location: Webinar

To participate via the webinar/video conferencing system Zoom:

Time: 17 April 2017, 2:00 PM Eastern Time (US and Canada) to 5:00 Eastern Time

Join via the Web at: [HYPERLINK "<https://cbuilding.zoom.us/j/796981383>"]

Or call at: +1 408 638 0968 (US Toll) or +1 646 558 8656 (US Toll); Meeting ID: 796981383

Agenda

- | | |
|-------------|--|
| 2:00-2:10 | Check-In, Roll Call, Review of Use of Zoom |
| 2:10-2:20 | Call to Order and Initial Business <ul style="list-style-type: none">• Call to Order and Instructions – <i>Jacob Strickler, acting Designated Federal Official (DFO)</i>• Review of Goals, Agenda, materials and role of EPA – <i>Patrick Field Facilitator</i>• Review and approval of January 2017 Meeting Summary - <i>Facilitator</i> |
| 2:20 – 3:45 | Review of Report by Section <ul style="list-style-type: none">• Background• Origins and Purpose of 404g• Consideration of Alternatives for USACE Retained-Waters• Subcommittee Discussion and Recommendations for the Above Alternatives for Waters• Consideration of Alternatives for Adjacent Wetlands Retained by the USACE |

- Subcommittee Recommendations on the Above Alternatives for Adjacency
 - Implementation and Process Recommendations
 - Appendices
 - Executive Summary
- 3:45 – 4:00 Recording Preferences in Final Report
- Seek concurrence on report and its contents
- 4:00 – 4:30 Public Comment
- 4:30 - 5:00 Next steps
- Timeline and process for finalizing approved report
 - Development of presentation and presenting at NACEPT
 - Process for addressing NACEPT comments, if any
 - Process to finalize report in a professional format
- 5:00 Adjourn – *Jacob Strickler, acting DFO*